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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,623	09/17/2003	Kenneth W. Fletcher	2103.003 9228	
21917	7590 01/04/2005		EXAMINER	
MCHALE & SLAVIN, P.A. 2855 PGA BLVD			LEV, BRUCE ALLEN	
PALM BEACH GARDENS, FL 33410			ART UNIT	PAPER NUMBER
	•		3634	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
		10/666,623	FLETCHER, KENNETH W.			
	Office Action Summary	Examiner	Art Unit			
		Bruce A. Lev	3634			
Period fo	The MAILING DATE of this communication ap or Reply	pears on the cover sheet with the c	orrespondence address			
THE   - External after   - If the   - If NC   - Failu   Any (	ORTENED STATUTORY PERIOD FOR REPL MAILING DATE OF THIS COMMUNICATION. nsions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. e period for reply specified above is less than thirty (30) days, a repl period for reply is specified above, the maximum statutory period re to reply within the set or extended period for reply will, by statut reply received by the Office later than three months after the mailing department adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply be tin oly within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE	nely filed  rs will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).			
Status						
1)⊠	Responsive to communication(s) filed on 175	September 2003.				
2a) <u></u> ☐	This action is <b>FINAL</b> . 2b)⊠ Thi	s action is non-final.				
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposit	ion of Claims					
5)□ 6)⊠ 7)□	4) Claim(s) 1-10 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) 1-10 is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.					
Applicat	ion Papers					
10)⊠	The specification is objected to by the Examin The drawing(s) filed on <u>17 September 2003</u> is. Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Examin The Specification is objected.	/are: a)⊠ accepted or b)⊡ objected drawing(s) be held in abeyance. Section is required if the drawing(s) is ob	e 37 CFR 1.85(a). ejected to. See 37 CFR 1.121(d).			
Priority (	under 35 U.S.C. § 119					
a)	Acknowledgment is made of a claim for foreign All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bureasee the attached detailed Office action for a list	nts have been received. Its have been received in Applicationity documents have been received in Application (PCT Rule 17.2(a)).	ion No ed in this National Stage			
Attachmen	at(s)					
1) Notice 2) Notice 3) Inform	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08 er No(s)/Mail Date 1/9/04.	4) Interview Summary Paper No(s)/Mail D  5) Notice of Informal F  6) Other:				

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#### **DETAILED ACTION**

## Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure. The language should avoid using phrases which can be implied, such as, "the present invention", in line 1.

### Claim Rejections - 35 USC § 112

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As concerns claims 1-3, 7, and 10, it is unclear as to whether the "reinforcement device" is being claimed, or the *combination* of the "reinforcement device" and the "aperture cover and building". For example, the preamble states a "reinforcement device". However, the body of the claims positively recites the aperture cover and building as being part of the invention, i.e., "with respect to said building" (claim 1, lines 11-12); "securely attached to said aperture header" (claim 3, line 9); "attached to said floor of said building" (claim 7, lines 5-6). If only the reinforcement device is meant to be claimed, "adapted to be" language should be used when comparing it to a structure (i.e., "adapted to be attached to said aperture header".

As concerns claim 10, the phrases "the substantially parallel first and second ends" (in line 13); "said metal hook" (in line 23); "said aperture header" (in line 25); and "said engagement pin" (in line 33) lack antecedent basis and therefore render the claims

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as vague and indefinite. Further, it is unclear as to what structure performs the function of "automatically receive said wire rope loop", in lines 25-26. Furthermore, it is improper to set forth a list of parts without language connecting them, i.e., the metal hook, and the anchor plate appear to be "floating in space".

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wedekind 5,819,834.

Wedekind sets forth a reinforcement device comprising an upper securing means including an upper anchoring assembly including a wire rope loop assembly including a bracket assembly having two L-shaped elements (viewed as inclusive of members 14 and 21) adjustably attached to one another, and a metal hook 22; a lower securing means including a lower anchoring assembly comprising a spring biased engagement pin 19 having a bracing tongue and groove (viewed as the bent portion), and an anchor plate 20 having a pin aperture.

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#### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wedekind in view of Wells 6,776,210.

Wedekind sets forth the reinforcement device, as advanced above, except for the loop member formed from wire rope. However, Wells teaches the use of wire rope members 48 used with a reinforcement device assembly. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reinforcement device of Wedekind by forming the loop member from wire rope, as taught by Wells, in order to reduce the forces caused by the loop not fitting perfectly upon the hook member.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

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December 29, 2004

Bruce A. Lev

Primary Examiner

Group 3600